

Notice of Allowability	Application No.	Applicant(s)	
	10/700,338	CIRNE ET AL.	
	Examiner	Art Unit	
	ZHENG WEI	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 8/03/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-2, 5-13, 17-23, 28-30, 32-35, 37-42, 44-47 and 51-52. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. <input type="checkbox"/> Other ____. |
| 4. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20121130</u> . | |

/Z. W./
Examiner, Art Unit 2192

/TUAN Q. DAM/
Supervisory Patent Examiner, Art Unit 2192

DETAILED ACTION

Remarks

1. This office action is in response to the Appeal Brief filed on 8/03/2012.
2. Claims 1-2, 5-13, 17-23, 28-30, 32-35, 37-42, 44-47 and 51-52 are now being allowed after entering Examiner's Amendment listed below.
3. Allowed claims 1-2, 5-13, 17-23, 28-30, 32-35, 37-42, 44-47 and 51-52 are re-numbered as claims 1-37.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
5. A proposed amendment has been sent to Mr. Ronald M Pomerence (Reg# 43,009) on 11/28/2012. Applicants' amendment and Authorization for this examiner's amendment were given via Fax from Mr. Pomerence on 11/30/2012 to obviate any potential rejection and to put the claims in condition for allowance.
6. The application has been amended as follows:

IN THE CLAIM

Please amend claims 1, 13, 22, 33 and 40 as follows:

Art Unit: 2192

1. (currently amended) A process for monitoring, comprising:

accessing a method;

automatically determining whether to modify said method, said step of automatically determining whether to modify said method includes automatically determining whether said method calls another method and whether said method has an access level that satisfies a criterion, wherein said criterion is a level of access control for said method that is provided by a programming language; and

modifying said method for a particular purpose only if said method calls another method and said access level satisfies said criterion.

13. (currently amended) A process for monitoring, comprising:

automatically determining which methods of a set of methods call one or more other methods and are synthetic, wherein a synthetic method is a compiler generated method; and

using a first tracing mechanism for said methods that call one or more other methods and are not synthetic without using said first tracing mechanism for methods that do not call one or more other methods or are synthetic.

22. (currently amended) One or more non-transitory processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a process comprising:

automatically determining which methods of a set of methods to modify, said step of determining includes automatically determining which methods call one or more other methods and have an access level of either public or package in the JAVA programming language; and

modifying for a particular purpose only those methods that call one or more other methods and have an access level of either public or package in the JAVA programming language.

Art Unit: 2192

33. (currently amended) One or more non-transitory processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a process comprising:

automatically determining whether to trace a method, said step of determining includes automatically determining whether said method calls another method and if said method has an access level that satisfies a criterion, wherein said criterion is a level of access control for said method that is provided by a programming language; and

tracing said method for a particular purpose only if said method calls another method and said access level satisfies the criterion.

40. (currently amended) An apparatus capable of monitoring, comprising:

a storage device; and

one or more processors in communication with said storage device, said one or more processors perform a process comprising:

accessing a method,

determining whether said method calls one or more different methods and can be called by a sufficient scope of one or more other methods, wherein the sufficient scope comprises determining a level of access control for said method that is provided by a programming language, and

tracing said method for a particular purpose only if said method calls one or more different methods and can be called by a sufficient scope of one or more other methods.

--END OF AMENDMENT--

Allowable Subject Matter

7. Claims 1-2, 5-13, 17-23, 28-30, 32-35, 37-42, 44-47 and 51-52 are allowed. As the Applicants pointed out under Appeal Brief argument section, page number 13-29 and Examiner's proposed amendment on 11/28/2012, the current invention taught a fundamentally different technique than any combination of cited prior art Berkley, Webster, and Grove. The Applicants' solution for monitoring applications that modifies a method for a particular purpose only if said "method calls another method and said access level satisfies the criterion" or "methods call one or more other method and are synthetic" or "method calls one or more different methods and can be called by a sufficient scope of one or more other methods", wherein said access level and sufficient scope of the specific method are provided/defined by a programming language itself. Applicants' solution provides an efficient way to determine which methods to modify, while not modifying too many methods, and in as such manners as similarly recited in the independent claims 1, 13, 22, 33, 39-40 and 47, thus each of the dependent claims are allowable for at least the same reasons.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059 and Fax number is (571) 270-02059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. W./
Examiner, Art Unit 2192

/TUAN Q. DAM/
Supervisory Patent Examiner, Art Unit 2192